

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKROLAND GUTIERREZ, FRANKIE ROSADO,
RENE CANELA AND DAVID FLORES,

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT and RAYMOND KELLY,
COMMISSIONER, et al.,

Defendants.

Index No.: 08 CV 6537

AFFIDAVIT OF SERVICE
OF SUMMONS
AND VERIFIED COMPLAINT

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

JOHN MICHAEL DEVITO, being duly sworn deposes and says: that deponent is not a party to his action, is over 18 years of age and resides at Farmingdale, NY 11735. That on July 25, 2008 at 11:48 a.m. at One Police Plaza, New York, New York, deponent served the within Summons and Verified Complaint on defendant NEW YORK CITY POLICE DEPARTMENT therein named.

1. INDIVIDUAL by delivering a true copy of *each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

2. CORPORATION a domestic corporation, by delivering thereat a true copy of *each* to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be AUTHORIZED TO ACCEPT thereof

3. SUITABLE AGE PERSON by delivering thereat a true copy of *each* to a person of suitable age discretion. Said premises is defendant's place of business - within the state.

4. AFFIXING TO DOOR, ETC. by affixing a true copy of *each* to the door of said premises, which is defendant's - actual place of business - dwelling house - usual place of abode - within the state. Deponent was unable with due diligence to find defendant or a person of suitable age and discretion, thereat having called there

MAILING use with 3 or 4 (if applicable) Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addresses to defendant at defendant's last known residence, at and deposited said wrapper in - a post office - depository under exclusive care and custody of the United States Postal Service within New York State.

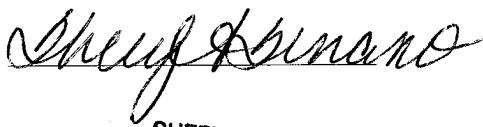
MAILED IN AN ENVELOPE MARKED PERSONAL AND CONFIDENTIAL

3 DESCRIPTION Deponent describes the individual served as follows:

1 or 3

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 50" - 5"3"	<input type="checkbox"/> 100-130 lbs.
	<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Blond Hair	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4" - 5'8"	<input type="checkbox"/> 131-160 lbs.
		<input type="checkbox"/> Gray Hair	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 59"-6'0"	<input checked="" type="checkbox"/> 161-200 lbs.
		<input type="checkbox"/> Red Hair	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.
		<input type="checkbox"/> White Hair			
		<input type="checkbox"/> Balding		<input type="checkbox"/> Glasses	

Sworn to before me on August 1, 2008



SHERYL A. SERRANO
Notary Public, State of New York
No. 01SE6090996
Qualified in Nassau County
Commission Expires April 21, 2011



JOHN MICHAEL DEVITO